

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ROBERT G. WYCKOFF,	:	CIVIL ACTION NO. 00-2248
Plaintiff,	:	
	:	
	:	
v.	:	CHIEF JUDGE AMBROSE
	:	
METROPOLITAN LIFE INSURANCE	:	
COMPANY AND KENNETH F.	:	
KACZMAREK,	:	
Defendants	:	

**METROPOLITAN LIFE INSURANCE COMPANY’S AND KENNETH F.
KACZMAREK’S MOTION IN LIMINE TO EXCLUDE EXHIBITS 107 AND 108**

Metropolitan Life Insurance Company (“MetLife”) and Kenneth F. Kaczmarek bring this Motion to Exclude Exhibits 107 and 108.

1. Plaintiff has identified a July 19, 1996 MetLife Corporate Internal Audit (the “1996 Audit Report”) and a December 4, 1998 Corporate Internal Audit (the “1998 Audit Report”) (Plaintiff’s Proposed Exhibits 107 and 108, respectively), both of which are irrelevant to this case and highly prejudicial. Copies of Proposed Exhibits 107 and 108 are attached as Exhibits A and B, respectively.

2. Plaintiff’s Proposed Exhibits 107 and 108 should be excluded for the reasons set forth in detail in Defendants’ Brief in Support of its Motion in Limine to Exclude Exhibits 107 and 108.

WHEREFORE, based on all of the foregoing reasons as well as those set forth in the accompanying brief, defendants respectfully requests that this Court bar the introduction of the Audit Reports identified as Plaintiff’s Proposed Exhibits 107 and 108.

Respectfully Submitted,

s/ B. John Pendleton, Jr.

B. John Pendleton, Jr.

McCARTER & ENGLISH, LLP

Four Gateway Center

100 Mulberry Street

Newark, NJ 07102

(973) 622-4444

Attorneys for Defendant

Metropolitan Life Insurance Company

and Kenneth F. Kaczmarek

Dated: October 3, 2006

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of October 2006, a true and correct copy of the foregoing document was served upon the following via the electronic filing system:

Kenneth R. Behrend, Esquire
BEHREND & ERNSBERGER, P.C.
Union National Bank Building, 3rd Floor
306 Fourth Avenue
Pittsburgh, Pennsylvania 15222

s/ B. John Pendleton, Jr._____